

Ordinance No. 16-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING A 10.83-ACRE PORTION OF 19.12-ACRE PARCEL OF LAND LOCATED ON THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK AND THE CITY OF PALM BEACH GARDENS, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM A ZONING DESIGNATION OF TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Lake Park has received an Application ("Application") by, Urban Design Studio and Kimley-Horn and Associates, ("Agents") for the Target Corporation ("Applicant") for development approval of a 131,839 square foot retail center on a 10.83 acre portion of 19.12 acres generally located at the southeast corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens, and the Town of Lake Park, as more particularly described herein, to allow for approval of a Commercial Planned Unit Development ("PUD"); and

WHEREAS, the subject property's legal description is contained in Exhibit "A" and it's general location as shown in Exhibit "B", both of which are attached hereto and incorporated herein; and,

WHEREAS, the Applicant proposes to rezone the subject property from Traditional Neighborhood Development (TND), to a Planned Unit Development (PUD); and,

WHEREAS, the Town Commission, upon the recommendation of the Town's Planning and Zoning Commission, may by ordinance, authorize the location and development of a planned unit development, which may differ in one or more respects from the provisions of specific requirements of the Zoning Code, but which must be in keeping with the general purpose and intent of the Town's Land Use Regulations, Comprehensive Plan and Code of Ordinances, in order to provide standards by which flexibility may be accomplished while maintaining and protecting the public's interest; and

WHEREAS, Town Staff has reviewed the Application and has determined that it is consistent with the Town's Code of Ordinances, the Comprehensive Plan, and the Town's Land Development Regulations; and

WHEREAS, an Interlocal Agreement was executed between the City of Palm Beach Gardens and the Town of Lake Park in or about March 2004 which provided for joint development review of the subject site; and

WHEREAS, the Town's Planning and Zoning Commission held a joint-public hearing with the City of Palm Beach Gardens Planning & Zoning Commission on June 8, 2004, and both Planning & Zoning Commissions have recommended approval of the rezoning to their respective governing bodies; and

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and its Land Development Regulations, is authorized and empowered to consider requests related to zoning and land development orders; and

WHEREAS, the Town Commission has considered the evidence and testimony presented by the Staff, the Applicant, the Planning & Zoning Commission, and other interested parties; and

WHEREAS, this Town Commission has determined that the assignment of the Planned Unit Development (PUD) zoning classification to the subject property would be consistent with the future land use designation of the subject property and that the adoption of this Ordinance is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

NOW THEREFORE, be it ordained by the Town Commission of the Town of Lake Park;

Section 1. The whereas clauses are incorporated herein as true and correct.

Section 2. The Town Commission hereby changes the zoning classification of the subject property as shown on the attached Exhibit "B" from Traditional Neighborhood District (TND) to Planned Unit Development (PUD)

Section 3. The Town's official zoning map is hereby amended to reflect the assignment of the PUD zoning classification to the subject property.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage.

Upon First Reading this 16th day of August 2004, the foregoing ORDINANCE 16-2004 was offered by Vice Mayor Balius, who moved its approval. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER ED DALY	X	
COMMISSIONER JEFF CAREY	X	

PUBLISHED IN THE PALM BEACH POST THIS 29th DAY OF Sept., 2004, AND THE 29th DAY OF Sept., 2004.

Upon Second Reading, this 7th day of Oct., 2004, the foregoing ORDINANCE was offered by Commissioner Daly who moved its adoption. The motion was seconded by Commissioner Carey, and upon being put to a vote, the result was as follows:

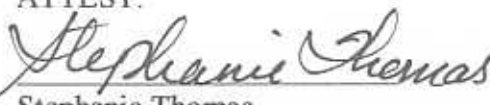
	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	x	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER ED DALY	X	
COMMISSIONER JEFF CAREY	X	

The Mayor thereupon declared Ordinance No. 16-2004 duly passed and adopted this 7th day of October, 2004.

TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor Paul Castro

ATTEST:

  
Stephanie Thomas  
Interim Town Clerk  
(Town Seal)

Approved as to form and legal sufficiency

  
Thomas J. Baird, Town Attorney